

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

BRIAN KELLY THORNTON,

Plaintiff,

v.

Case Number 11-14684  
Honorable Thomas L. Ludington

AFGE LOCAL 2274,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE**

This matter is before the Court on the report and recommendation (ECF No. 7) issued by Magistrate Judge Charles E. Binder on January 10, 2011 (ECF No. 7). Judge Binder recommends that the Court dismiss the case for not complying with the filing fee requirement. On November 28, 2011, the Court denied Plaintiff Brian Thornton's motion to proceed in forma pauperis. On December 5, 2011, the Court notified Plaintiff that he had thirty days from the date of the notice to pay the filing fee. ECF No. 6. Plaintiff was also notified that if the filing fee was not paid, a report and recommendation would issue recommending that the case be dismissed. More than thirty days passed without payment. On January 10, 2012, Judge Binder issued a report and recommendation recommending that the case be dismissed because the filing fee had not been paid.

Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* The Court is not obligated to review the portions of the report to which no objection

was made. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). As of today’s date, no party has filed any objections to Judge Binder’s report and recommendation. The filing fee has not been paid.

Accordingly, it is **ORDERED** that Judge Binder’s report and recommendation (ECF No. 7) is **ADOPTED**.

It is further **ORDERED** that Plaintiff’s complaint (ECF No. 7) is **DISMISSED**.

Dated: January 25, 2012

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon Brian Kelly Thornton, of 407 N. Mason, Saginaw, MI 48602 by first class U.S. mail on January 25, 2012.

s/Tracy A. Jacobs  
TRACY A. JACOBS